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**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

**DECISION
ON PETITION**

PHILIPS ELECTRONICS
P.O.BOX 3001
BRIARCLIFF MANOR, NY 10510-8001

In re Application of:
Willem Bulthius, et al.
Application No. 09/464,855
Filed: December 16, 1999
For: **HAND-EAR USER INTERFACE FOR
HAND-HELD DEVICE**

This is a decision on the Petition to Withdrawal Holding of Abandonment, filed March 24, 2005 pursuant to 37 CFR 1.181. No fee is required.

The petition is **Granted**.

This application became abandoned for failure to timely file a response to the outstanding Office action mailed January 30, 2003. A Notice of Abandonment was mailed on June 22, 2004 and re-mailed on August 6, 2004.

Petitioner alleges to have timely filed a reply on April 30, 2003. To support this position, Petitioner has included with the instant petition a copy of the response bearing a proper certificate of facsimile transmission with a transmission date of April 30, 2003. Also included with the petition is a copy of an Auto-Reply Facsimile Transmission indicating that an 8-page document from Petitioner was received in the U.S. Patent and Trademark Office on April 30, 2003.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Although the petition was not filed within 2 months of the mail date of the Notice of Abandonment, the Petitioner has met the requirements under 37 C.F.R. § 1.8(b) above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

Decision on Petition

The application will be forwarded to the Technology Center's technical support staff for entry of the response which accompanied the subject petition. From there, the file will be forwarded to the examiner for consideration in due course.

It is noted that the petitioner is merely acting in a representative capacity. The application record does not have any evidence granting power of attorney to the petitioner.



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